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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISIDRO ZURIEL CRUZ-VIZCARRA,

Defendant.

CASE NO. 1:22-CR-00179-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: January 8, 2024
TIME: 10:00 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea hearing on January 8, 2024.
2. By this stipulation, defendant now moves to continue the change of plea hearing before Hon. Jennifer L. Thurston at 10:00 a.m. to February 26, 2024, and to exclude time between January 8, 2024, and February 26, 2024, inclusive.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The discovery associated with this case is voluminous and includes tens of thousands of pages, including investigative reports, photographs and videos, as well as hundreds of hours of recorded telephone conversations pursuant to wiretap orders, many cellular phone extractions, and large amounts of cellular telephone precise location data and vehicle tracker

1 data. All this discovery has been either produced directly to counsel and/or made available for
2 inspection and copying.

3 b) The government has sent a plea offer to the defense to resolve the case. The
4 defendant needs to review the offer with his counsel and prepare for the change of plea hearing.
5 Additionally, the defendant has requested supplemental discovery, which the government is
6 seeking and intends to produce in the near future.

7 c) Defense counsel also requests the additional time to review the discovery.
8 Counsel for defendant desires additional time to consult with his client, conduct investigation,
9 review the voluminous discovery, and prepare for the change of plea hearing.

10 d) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him/her the reasonable time necessary for effective preparation, taking
12 into account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of January 8, 2024 to February 26,
19 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and B(ii),
20 B(iv) because the case is so unusual or so complex, due to the number of defendants, the nature
21 of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to
22 expect adequate preparation for pretrial proceedings or for the trial itself within the time limits
23 established by this section. This stipulation also results from a continuance granted by the Court
24 at defendant's request on the basis of the Court's finding that the ends of justice served by taking
25 such action outweigh the best interest of the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

1 IT IS SO STIPULATED.

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4 Dated: December 12, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ Justin J. Gilio
JUSTIN J. GILIO
Assistant United States Attorney

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9 Dated: December 12, 2023

/s/ Brian Andritch
Brian Andritch
Counsel for Defendant
Isidro Zuriel Cruz-Vizcarra

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13 **ORDER**

14 The stipulation to continue the hearing for the change of plea to February 26, 2024 is
15 **GRANTED.** Time is excluded through that hearing for the reasons set forth above.

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17 IT IS SO ORDERED.

18 Dated: **December 14, 2023**


UNITED STATES DISTRICT JUDGE